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CONTEMPORARY FORMS OF SLAVERY

Written statement submitted by Human Rights Advocates, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[23 July 1997]

GE.97-13082 (E)

The exploitation of child labour and human rights

1. Human Rights Advocates (HRA) considers the exploitation of child labour to be a contemporary form of slavery. As such, HRA is gravely concerned at the continuing human rights abuses associated with the exploitation of child labour and seeks to find ways to eliminate this practice.

2. In 1993, after examining reports submitted by the Working Group on Contemporary Forms of Slavery, the Commission on Human Rights adopted a Programme of Action for the Elimination of the Exploitation of Child Labour. 1/ The Programme envisages a wide range of activities in the fields of information-gathering and awareness-raising, education and training, social action and legislation at the local, national and international levels, to combat the exploitation of child labour. Furthermore, the work of the Special Rapporteur on the sale of children, child prostitution and child pornography and the Working Group on Contemporary Forms of Slavery have increased awareness about the exploitation of child labour.

3. However, four years after the adoption of the Programme of Action, the exploitation of child labour is still prevalent in many regions of the world, particularly in poorer nations. Despite commendable efforts of the Special Rapporteur and the Working Group in raising awareness of this ongoing problem, their mandates are not specifically tailored to the particular issue of the exploitation of child labour, which in its most egregious form includes slavelike practices such as debt bondage and forced child labour. It is now essential to determine what further actions and procedures must be adopted by the Sub-Commission to make progress in curtailing human rights violations arising from the exploitation of child labour.

4. Virtually every country in the world has national laws that limit the extent to which children may be employed. International treaties and conventions bar children from performing work that is hazardous, that interferes with a child's education, or that harms a child's health, or physical, mental, spiritual or moral development. Nevertheless, the exploitation of child labour is still a widespread phenomenon.

5. Though primarily a problem in developing countries, child labour also exists in many industrialized countries and is emerging in many countries which are in transition to a market economy. 2/ The International Labour Organization reports that most statistical surveys on child labour cover only children aged 10 and above. 3/ However, many children begin work at an earlier age. In rural areas, children, in particular girls, tend to begin working at the age of five, six or seven. 4/

6. Poverty is often sited as an important reason for the existence of child labour. 5/ However, although it may be a reason why children work, it cannot be said that poverty causes child labour. Often, the practice is rooted in traditions, attitudes and customs. 6/ There are regions in poor countries where child labour is virtually abolished. 7/ Furthermore, underdevelopment cannot justify the exploitation of children. The international community as a whole must not wait for adequate solutions to the long-term development problems of certain countries before attacking the human rights abuses

resulting from the exploitation of child labour. The Sub-Commission has a unique role in ensuring that high priority is given to the elimination of child labour exploitation, as well as in securing and implementing fundamental human rights.

Human rights violations resulting from the exploitation of child labour

7. Despite the existence of international treaties and conventions protecting the rights of children against abusive labour practices, ongoing violations confirm the need for the international community to take further action to address this problem.

8. Bonded child labour is one form of slavery still prevalent in some countries today. In these countries, children are pledged into bonded labour by their families in exchange for money or credit. Children thus become a commodity, pledged as chattel to pay off debts. In some cases, employers take advantage of the poverty of the family and offer large loans to the parents against their children's future labour, knowing that the parents will never be able to repay the debt. 8/

9. Child domestic workers, usually girls as young as five or six years old from poor rural families, are routinely forced to endure severe physical and sexual abuse at the hands of their employers. 9/ Reports from various sources have documented incidences of child domestic servants being beaten, branded, starved, burned or tortured to death by their employers. 10/

10. The use of forced child labour has been documented in certain regions of the world. 11/ Many cases were reported in regions where foreign companies were prospecting for oil and gas or financing projects for tourism. 12/

11. Children not only suffer at the hands of their employers, but also from the dangerous nature of their working conditions. Tens of millions of child workers are exposed to serious health and safety hazards through the dangerous nature of their work or because of poor working conditions. 13/ In certain cases, as a result of exposure to chemical and biological hazards on a daily basis, many child workers suffer serious injuries or illnesses, resulting in amputation or mutilation. 14/

12. Because they are physiologically more fragile than adults, children are much more vulnerable to hazardous working conditions. Children carrying heavy loads or maintaining awkward body positions for long hours develop deformities of the spinal column and pelvis from the excessive stress placed on their bones. 15/

Violations of human rights

13. The continuing exploitation of child labour results in gross violations of the Convention on the Rights of the Child, as well as fundamental human rights protected by the Slavery Convention, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights.

14. The Convention on the Rights of the Child prohibits the economic exploitation of children and work that is likely to be hazardous to their physical, mental, spiritual or moral well-being. Nevertheless, the millions of children forced into hazardous work attest to continuing violations of the most widely adopted human rights treaty in existence.

15. Today, it is universally recognized that no one should be held in slavery or servitude, that slavery in all its forms should be prohibited. However, this crime against humanity still exists in various parts of the world in the form of bonded and forced child labour.

16. The right to be free from torture or cruel, inhuman or degrading treatment is universally accepted as a fundamental non-derogable human right, and is protected by conventional and customary international law. Child labour in its most egregious forms may be tantamount to cruel, inhuman or degrading treatment.

17. Although the right to education is a fundamental human right, working children are denied the opportunity to obtain the education they need for their intellectual development.

18. The exploitation of child labour may violate other human rights embodied in treaties and other international instruments, such as the rights to life, to health and to culture.

Recommendations to the Sub-Commission

19. HRA urges the Sub-Commission to expand the present mandate of the Working Group on Contemporary Forms of Slavery to look into the exploitation of child labour in the following ways:

(i) The expanded mandate should cover the specific issues of debt bondage and forced child labour, paying particular attention to the plight of domestic child workers and children in hazardous occupations.

(ii) The Working Group's expanded mandate should entail the submission of annual reports by Governments to the Sub-Commission, including recommendations and proposals for action at the international, national and local levels. These recommendations should be made in the light of critical evaluations by the Working Group of States' efforts to implement the Programme of Action for the Elimination of the Exploitation of Child Labour.

(iii) The expanded mandate should identify ways in which improved communication and better coordination between all the entities within the United Nations system directly concerned with the question of child labour could be achieved.

20. In addition, HRA urges the Sub-Commission to recommend to the Commission-appointed Working Group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography to expand the application of article 33 of the Convention to cover all forms of exploitation of child labour.

Notes

1/ Commission on Human Rights resolution 1993/79, annex.

2/ International Labour Organization 1996 Press Releases, "ILO calls for immediate action against intolerable forms of child labour", ILO/96/38 (1996).

3/ International Labour Organization, Child Labour: Targeting the Intolerable (1996).

4/ Idem.

5/ Timothy A. Glut, "Changing the approach to ending child labour: an international solution to an international problem", The Vanderbilt Journal of Transnational Law, vol. 29 (1995).

6/ Baban Hasnat, "International trade and child labour", Journal of Economic Issues, vol. 29 (1995).

7/ International Labour Organization, see note 2.

8/ Bureau of International Labor Affairs, U.S. Department of Commerce, By the Sweat & Toil of Children (Volume II): The Use of Child Labor in U.S. Agricultural Imports & Forced and Bonded Child Labor (1995).

9/ Report of the Working Group on Contemporary Forms of Slavery on its twentieth session (E/CN.4/Sub.2/1995/28).

10/ Bureau of International Labor Affairs, U.S. Department of Commerce, see note 8.

11/ Report of the Working Group on Contemporary Forms of Slavery on its twenty-first session (E/CN.4/Sub.2/1996/24).

12/ Idem.

13/ International Labour Organization, Amsterdam Child Labour Conference, Combating the Most Intolerable Forms of Child Labour: A Global Challenge (1997).

14/ International Labour Organization, see note 3.

15/ Idem.